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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000636

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SUBJECT: VENEZUELA: JUDICIAL CORRUPTION V. POLITICS

REF: CARACAS 00577

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d)  
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Summary  
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11. (C) Venezuelan Supreme Court (TSJ) Justice Luis Velazquez Alvaray, in charge of the administration of Venezuela's court system, told poloff February 24 there is widespread mismanagement and corruption in the judicial system. Velazquez said he intends to remove corrupt judges, whatever their political affiliation, adding that these problems reflect poorly on the previous TSJ leadership. He said that the "judicial revolution", which TSJ President Omar Mora has talked about, means honesty and efficiency, and not political ideology. He expressed interest in working with human rights groups to combat human rights violations and impunity, and with the Embassy on judicial training. End Summary.

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Who is Velazquez Alvaray?  
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12. (C) Luis Velazquez Alvaray was named Supreme Court (TSJ) Justice for the Constitutional Chamber in December, having served until then as a National Assembly Deputy. The TSJ put Velazquez in charge of two of the most important bodies on the Court, the Judicial Committee, and the Executive Direction of the Magistrature (DEM). The Judicial Committee acts as the executive authority over the lower court system in the name of the full Court, which has administrative as well as judicial responsibility for the lower courts under the Venezuelan constitution. The DEM is responsible for the administration of the court system.

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Corruption!  
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13. (C) Velazquez told poloff February 24 he had found several cases of serious corruption in the DEM in his first two months on the job. These included overcharging for judicial training courses, and mismanagement of judicial pension funds. Velazquez said there were many more such cases, and it was his intention publicize them all. He also criticized the weak management of the regional DEMs in the states, and explained his plan to put officials he trusted in charge of regions, each composed of several states, to personally monitor the administration of the court system. Velazquez criticized the modernization project of former TSJ President Ivan Rincon, for buying an inefficient and expensive computer program from Spain. Velazquez did not defend the pro-Chavez justices who until recently ruled the Court, and observed that they had paid more attention to improving the TSJ itself, rather than the national court system as a whole.

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Judges under the microscope  
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14. (C) Commenting on reports that there was a list of judges who were going to be fired, Velazquez said that there were many judges engaged in corruption, especially involving drugs. He said that all the judges would be examined by the Judicial Committee, and those who engaged in corruption or partisan politics would be removed. He then added that he had been evaluating judges while he was in the Assembly, and already knew where the problems were. Asked about rumors that some high profile Chavista judges were also going to be removed, Velazquez said politics had no place in the judicial system, and that corrupt judges would be removed whatever their political affiliation. Velazquez said the ultimate aim of the "judicial revolution" to which TSJ President Omar Mora has referred, was an honest and efficient judiciary. He denied that the intention was to politically control the justice system.

15. (C) Velazquez told poloff he did not agree with Mora's plan to give all judges tenure based on a one time examination for entry into the tenured judiciary. He said he believed in a process of continual evaluation for promotion. Velazquez said he wanted to use the existing university law schools to construct a judicial course of post graduate study, through which the most experienced judges would teach newer judges. He said he hoped that under his plan all judges would have a judicial degree within six to seven years. This plan would substitute former TSJ President Ivan Rincon's plan for the TSJ to set up a judicial school on its own.

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Open doors  
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16. (C) Poloff asked Velazquez about the gap between the formal judicial system, and the allegations of widespread police executions of criminal suspects. He said it was his intention to work with the other powers to reform the justice system in such a way that it could extend its reach into the poor neighborhoods where few people have real access to the system. Asked about the human rights groups who had denounced these abuses for years, but now felt themselves under pressure from the GOV, Velazquez said he wanted to meet with the main human rights groups and work with them. He said it was difficult at the moment, because they did not trust him. Velazquez said that he would reach out to these groups in a month, when he had real achievements to show, which would prove his good faith. He also suggested another meeting with the Embassy in a month, to talk about the possibility of judicial cooperation.

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Comment  
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17. (C) Velazquez talks a good game. He was instrumental in gaining passage of the Organic Law of the Supreme Court in May, which mandated the expansion of the Court by 12 justices. A deputy for the Movimiento Quinta Republica (MVR), he "resigned" shortly after the Assembly passed the law to overcome the constitutional prohibition against judges being active in partisan politics. Nevertheless, Velazquez continued to work closely with the MVR deputies in the Assembly to draft the Partial Reform of the Penal Code, and to help choose the new TSJ justices. Following President Hugo Chavez's referendum victory, Velazquez proposed removing the constitutional limit of two consecutive presidential terms.

18. (C) Reports from judges suggest that there is little trust within the court system of Velazquez's intentions (reftel). It seems likely that the plethora of corruption accusations are intended to weaken the position of the "old" TSJ justices, including TSJ President Mora. Velazquez seems

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very confident that he has high level backing for what he is doing. Velazquez may have been given the task to clean up the judiciary, but whether he really intend to hire competent independent judges is subject to doubt.  
Brownfield